

## CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

**I. (a) PLAINTIFFS**

Carlos Wong  
115 W. 3<sup>rd</sup> Street  
Clifton, New Jersey

(b) County of Residence of First Listed Plaintiff New Jersey  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)  
John N. Zervanos, Esquire  
Solooff & Zervanos, P.C.  
1525 Locust St., 8<sup>th</sup> Flr  
Philadelphia, Pa. 19102 (215) 732-2260

**DEFENDANTS**

CTS Cement Manufacturing Corporation and CTS Bulk Terminals Company, and  
Pennsylvania Cement Terminal, LLC.

County of Residence of First Listed Defendant Pennsylvania  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF  
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question  
(U.S. Government Not a Party)
- ☒ 4 Diversity  
(Indicate Citizenship of Parties in Item III)

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- |   | PTF                                   | DEF                                   |   | PTF                        | DEF                                   |
|---|---------------------------------------|---------------------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State                   | <input type="checkbox"/> 1            | <input checked="" type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State     | <input type="checkbox"/> 4 | <input checked="" type="checkbox"/> 4 |
| Citizen of Another State                | <input checked="" type="checkbox"/> 2 | <input type="checkbox"/> 2            | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5            |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3            | <input type="checkbox"/> 3            | Foreign Nation  | <input type="checkbox"/> 6 | <input type="checkbox"/> 6            |

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input checked="" type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	<input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act <b>IMMIGRATION</b> <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
<b>REAL PROPERTY</b> <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<b>CIVIL RIGHTS</b> <input type="checkbox"/> 440 Other Civil Rights <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <b>Other:</b> <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

**V. ORIGIN** (Place an "X" in One Box Only)

- ☒ 1 Original Proceeding    ☐ 2 Removed from State Court    ☐ 3 Remanded from Appellate Court    ☐ 4 Reinstated or Reopened    ☐ 5 Transferred from Another District (specify)    ☐ 6 Multidistrict Litigation - Transfer    ☐ 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
28 USC Section 1332 (a)(1)

Brief description of cause:

Plt. fell on defendant's property due to snow and ice causing plaintiff injuries.

**VII. REQUESTED IN COMPLAINT:**

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$ 150,000.00 in excess

CHECK YES only if demanded in complaint:

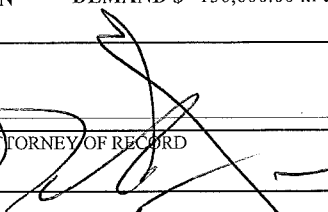
JURY DEMAND: ☒ Yes ☐ No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE 1/19/17 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: 115 W. 3<sup>rd</sup> Street, Clifton, New Jersey 07011

Address of Defendant: 4677 Hanoverville Road, Bethlehem, Pa. 18020

Place of Accident, Incident or Transaction: 4677 Hanoverville Road, Bethlehem, Pa. 18020

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☒

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☒

RELATED CASE, IF ANY:

Case Number: Judge Date Terminated:

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☒

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☒

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☒

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts

2. ☐ FELA

3. ☐ Jones Act-Personal Injury

4. ☐ Antitrust

5. ☐ Patent

6. ☐ Labor-Management Relations

7. ☐ Civil Rights

8. ☐ Habeas Corpus

9. ☐ Securities Act(s) Cases

10. ☐ Social Security Review Cases

11. ☐ All other Federal Question Cases

(Please specify)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts

2. ☐ Airplane Personal Injury

3. ☐ Assault, Defamation

4. ☐ Marine Personal Injury

5. ☐ Motor Vehicle Personal Injury

6. ☒ Other Personal Injury (Please specify)

Premises Liability

7. ☐ Products Liability

8. ☐ Products Liability — Asbestos

9. ☐ All other Diversity Cases

(Please specify)

### ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, John N. Zervanos, Esquire, counsel of record do hereby certify:

☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;

☐ Relief other than monetary damages is sought.

DATE: 1/19/17

Attorney-at-Law

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

49615

Attorney I.D.#

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 1/19/17

Attorney-at-Law

49615

Attorney I.D.#

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

CARLOS WONG	:	
115 W. 3 <sup>rd</sup> Street	:	
Clifton, New Jersey 07011	:	No.
Plaintiff,	:	
v.	:	
CTS CEMENT MANUFACTURING	:	
CORPORATION	:	
4677 Hanoverville Road	:	
Bethlehem, Pa. 18020-9410	:	JURY TRIAL DEMANDED
and	:	
CTS BULK TERMINALS COMPANY	:	
4677 Hanoverville Road	:	
Bethlehem, Pa. 18020-9410	:	
and	:	
PENNSYLVANIA CEMENT TERMINAL, LLC:	:	
4677 Hanoverville Road	:	
Bethlehem, Pa. 18020-9410	:	
Defendants	:	

**COMPLAINT**

NOW COMES Carlos Wong, Plaintiff herein, by and through his attorney, John N. Zervanos, Esquire of Soloff & Zervanos, P.C., and for his Complaint, states:

**PARTIES**

1. Carlos Wong is an adult male individual and citizen and resident of the State of New Jersey residing at 115. W. 3<sup>rd</sup> Street, Clifton, New Jersey 07011.
2. Defendant CTS Cement Manufacturing Corporation is a corporation duly organized and existing under and by virtue of the laws of the State of California, with its principal place of business located at 11065 Knott Avenue, Cypress, CA 90630 with an existing place of business at 4677 Hanoverville Road, Bethlehem, Pa. 18020.

3. Defendant CTS Bulk Terminals Company is a Pennsylvania Corporation organized and existing under and by virtue of the laws of the Commonwealth of Pennsylvania, with a principal place of business located at 4677 Hanoverville Road, Bethlehem, Pa. 18020-9410.
4. Defendant Pennsylvania Cement Terminal, LLC., upon information and belief of Plaintiff, is a Nevada Corporation with a registered address of 20 Carneros Drive, Sparks Nevada, 89441, and a place of business at 4677 Hanoverville Road, Bethlehem, Pa. 18020-9410.

#### **JURISDICTION AND VENUE**

5. This Court has jurisdiction over Plaintiff's claims under 28 U.S.C. §1332 (a)(1) because this case involves citizens of different states and the amount in controversy, exclusive of interest and costs, exceeds \$150,000.00.
6. The facts giving rise to this litigation occurred in Bethlehem, Pennsylvania in the Eastern District of Pennsylvania, and the events or omissions giving rise to the claims herein occurred in Bethlehem, Pennsylvania in the Eastern District of Pennsylvania. Therefore, venue is appropriate in this Court pursuant to 28 U.S.C. § 1391(b)(2).

#### **FACTS**

7. At all relevant times, Plaintiff Carlos Wong was lawfully on the Defendants' premises, specifically its place of business at 4677 Hanoverville Road, Bethlehem, Pa. 18020.
8. At all relevant times, Plaintiff Wong was a business invitee on the subject premises, as described herein and, as such, was owed the highest duty of care pursuant to the laws of the Commonwealth of Pennsylvania.

9. At all relevant times, Defendant CTS Cement Manufacturing Corporation was the owner, operator, maintainer, possessor, lessor, lessee, and/or otherwise legally responsible for the subject premises at 4677 Hanoverville Road, Bethlehem, Pa. 18020-9410.
10. At all relevant times, Defendant CTS Bulk Terminals Company was the owner, operator, maintainer, possessor, lessor, lessee, and/or otherwise legally responsible for the subject premises at 4677 Hanoverville Road, Bethlehem, Pa. 18020-9410.
11. At all relevant times, Defendant Pennsylvania Cement Terminal, LLC., was the owner, operator, maintainer, possessor, lessor, lessee, and/or otherwise legally responsible for the subject premises at 4677 Hanoverville Road, Bethlehem, Pa. 18020-9410.
12. At all relevant times, Defendants were responsible for all maintenance, upkeep, and safety precautions relative to the subject premises, including proper and timely snow and/or ice treatment and/or removal.
13. At all relevant times, Defendants acted through their agents, servants, representatives, and/or employees, who were acting within the course and scope of their agency and/or employment of said Defendants.
14. On February 5, 2015, Plaintiff Wong was working as a truck driver for AH Harris & Sons, Inc., 126 Fairfield Road, Fairfield, New Jersey and was at all relevant times in the course and scope of his employment for AH & Harris & Sons while at defendants' place of business at 4677 Hanoverville Road, Bethlehem, Pa. 18020.
15. Upon arrival at the subject premises on the day mentioned above, Plaintiff Wong was directed to park at or near the defendants' receiving entrance. After he exited his vehicle and was walking within that area of the subject premises to complete his business, plaintiff was suddenly and unexpectedly caused to slip and fall to the ground, thereby

sustaining injuries and damages as set forth more fully below.

16. The fall suffered by Plaintiff Wong occurred directly as a result of the slippery surface of the subject premises, which was covered with snow and/or ice that had not been properly and/or timely removed and/or treated by Defendants thereby creating a dangerous and unsafe condition.
17. The snow and/or ice were not natural accumulations and had been allowed to accumulate and remain on the subject premises for some time without treatment and/or removal thereby creating a dangerous and unsafe condition.
18. Defendants, individually and or by and through their agents, servants, workmen, and employees knew and or should have known of this dangerous and unsafe condition, yet Defendants allowed this condition to remain on the subject premises, without proper and/or timely removal and/or treatment.
19. Defendants had a duty to keep and maintain the subject premises in a reasonably safe condition for those persons lawfully on the premises.
20. Defendants failed to keep and maintain the subject premises in a reasonably safe condition for persons lawfully on the premises.
21. The aforementioned incident, injuries and damages sustained by Plaintiff Wong, as set forth more fully below, were caused solely by the negligence and carelessness of Defendants, individually and by their agents, servants, workmen, and/or employees and was in no manner whatsoever due to any act or failure to act on the part of plaintiff Wong.

**COUNT I – NEGLIGENCE**  
**PLAINTIFF, CARLOS WONG v. DEFENDANT, CTS CEMENT**  
**MANUFACTURING CORPORATION**

22. Plaintiff incorporates by reference the paragraphs contained above and throughout the entire complaint as if same were set forth at length herein.
23. The negligence and carelessness of the Defendant, individually and by and through its agents, servants, workmen, and/or employees consisted of the following:
- a. failing to timely treat the snow and/or ice on the subject premises;
  - b. failing to timely remove the snow and/or ice on the subject premises;
  - c. failing to properly treat the snow and/or ice on the subject premises;
  - d. failing to properly remove the snow and/or ice on the subject premises;
  - e. failing to keep the parking lot in a safe condition for Plaintiff Wong who was lawfully upon the subject premises;
  - f. failing to properly, adequately, and/or timely inspect the subject premises to discover the dangerous and unsafe condition;
  - g. failing to take adequate steps to discover, anticipate, and prevent the dangerous and unsafe condition, which created the unreasonable risk of harm and injury to Plaintiff Wong;
  - h. failing to take adequate steps to prevent the dangerous and unsafe condition from occurring and/or existing on the subject premises;
  - i. failing to use reasonable care to warn Plaintiff Wong of the dangerous and unsafe condition of the subject premises;
  - j. failing to use reasonable care to protect Plaintiff Wong from the dangerous and unsafe condition;
  - k. permitting the dangerous and unsafe condition to exist and/or remain on the subject premises when Defendant knew or should have known of its existence;



- l. permitting the dangerous and unsafe condition to exist and/or remain on the subject premises, which Defendant knew or should have known created an unreasonable risk of harm to Plaintiff Wong, who was lawfully upon the subject premises;
  - m. failing to timely treat, remove, repair, replace, or otherwise correct the dangerous and/or unsafe condition, which created the unreasonable risk of harm and injury to Plaintiff Wong;
  - n. employing or contracting with those who were not sufficiently qualified to maintain the parking lot in a safe and proper manner;
  - o. failing to have a designated entrance and exit way for its business invitees including plaintiff Wong;
  - p. failing to provide plaintiff Wong with an alternate route to the shipping and receiving area;
  - q. violating federal, state, and/or local statutes, laws, and/or ordinances regarding prevention, treatment, removal, maintenance, and/or repair of the subject premises;
  - r. failing to exercise the requisite degree of care required for Plaintiff Wong who was a business invitee on the subject premises.
24. As a direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff, Carlos Wong sustained multiple injuries, bruises, contusions, and damages to the nerves, bones, discs, muscles, and ligaments of his body, both of temporary and permanent nature, including, but not limited to a broken shoulder resulting in surgery and caused continued pain and suffering, to his great detriment and loss.
25. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has and will continue to be forced to incur various financial and medical expenses in an effort to cure himself from the aforesaid injuries and damages, to his great detriment and loss.



26. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has been unable to perform and has been limited in performing many of his normal activities, to his great detriment and loss.
27. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has suffered loss of employment wages and his earning capacity has been impaired, to his great detriment and loss.
28. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has experienced and continues to experience emotional and physical pain, suffering, inconvenience, embarrassment, mental anguish, and loss of enjoyment of life, to his great detriment and loss.

**WHEREFORE**, Plaintiff hereby demands judgment in his favor and against Defendant CTS Cement Manufacturing Corporation, individually and jointly, in an amount in excess of \$150,000.00, exclusive of interest and costs, and any other relief this Honorable Court deems equitable and just.

**COUNT II – NEGLIGENCE**  
**PLAINTIFF, CARLOS WONG v. DEFENDANT,**  
**CTS BULK TERMINALS COMPANY**

29. Plaintiff incorporates by reference the paragraphs contained above and throughout the entire complaint as if same were set forth at length herein.
30. The negligence and carelessness of Defendant CTS Bulk Terminals Company, individually and by and through its agents, servants, workmen, workers, contractors, sub-contractors, and/or employees which directly and proximately caused plaintiff Carlos Wong's fall injuries and damages consisted of the following:
  - a. failing to timely treat the snow and/or ice on the subject premises;

- b. failing to timely remove the snow and/or ice on the subject premises;
- c. failing to properly treat the snow and/or ice on the subject premises;
- d. failing to properly remove the snow and/or ice on the subject premises;
- e. failing to keep the parking lot in a safe condition for Plaintiff Wong who was lawfully upon the subject premises;
- f. failing to properly, adequately, and/or timely inspect the subject premises to discover the dangerous and unsafe condition;
- g. failing to take adequate steps to discover, anticipate, and prevent the dangerous and unsafe condition, which created the unreasonable risk of harm and injury to Plaintiff Wong;
- h. failing to take adequate steps to prevent the dangerous and unsafe condition from occurring and/or existing on the subject premises;
- i. failing to use reasonable care to warn Plaintiff Wong of the dangerous and unsafe condition of the subject premises;
- j. failing to use reasonable care to protect Plaintiff Wong from the dangerous and unsafe condition;
- k. permitting the dangerous and unsafe condition to exist and/or remain on the subject premises when Defendant knew or should have known of its existence;
- l. permitting the dangerous and unsafe condition to exist and/or remain on the subject premises, which Defendant knew or should have known created an unreasonable risk of harm to Plaintiff Wong, who was lawfully upon the subject premises;
- m. failing to timely treat, remove, repair, replace, or otherwise correct the dangerous and/or unsafe condition, which created the unreasonable risk of harm and injury to Plaintiff Wong;
- n. employing or contracting with those who were not sufficiently qualified to maintain the parking lot in a safe and proper manner;
- o. failing to have a designated entrance and exit way for its business invitees including plaintiff Wong;
- p. failing to provide plaintiff Wong with an alternate route to the shipping and receiving area;

- q. violating federal, state, and/or local statutes, laws, and/or ordinances regarding prevention, treatment, removal, maintenance, and/or repair of the subject premises;
- r. failing to exercise the requisite degree of care required for Plaintiff Wong who was a business invitee on the subject premises.

- 31. As a direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff, Carlos Wong sustained multiple injuries, bruises, contusions, and damages to the nerves, bones, discs, muscles, and ligaments of his body, both of temporary and permanent nature, including, but not limited to a broken shoulder resulting in surgery and caused continued pain and suffering, to his great detriment and loss.
- 32. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has and will continue to be forced to incur various financial and medical expenses in an effort to cure himself from the aforesaid injuries and damages, to his great detriment and loss.
- 33. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has been unable to perform and has been limited in performing many of his normal activities, to his great detriment and loss.
- 34. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has suffered loss of employment wages and his earning capacity has been impaired, to his great detriment and loss.
- 35. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has experienced and continues to experience emotional and physical pain, suffering, inconvenience, embarrassment, mental anguish, and loss of enjoyment of life, to his great detriment and loss.

WHEREFORE, Plaintiff hereby demands judgment in his favor and against Defendant CTS Bulk Terminals Company, individually and jointly, in an amount in excess of \$150,000.00, exclusive of interest and costs, and any other relief this Honorable Court deems equitable and just.

**COUNT III – NEGLIGENCE**  
**PLAINTIFF, CARLOS WONG v. DEFENDANT, PENNSYLVANIA CEMENT**  
**TERMINAL, LLC**

36. Plaintiff incorporates by reference the paragraphs contained above and throughout the entire complaint as if same were set forth at length herein.
37. The negligence and carelessness of Defendant Pennsylvania Cement Terminal, LLC., individually and by and through its agents, servants, workmen, workers, contractors, sub-contractors, and/or employees which directly and proximately caused plaintiff Carlos Wong's fall, injuries and damages consisted of the following:
- a. failing to timely treat the snow and/or ice on the subject premises;
  - b. failing to timely remove the snow and/or ice on the subject premises;
  - c. failing to properly treat the snow and/or ice on the subject premises;
  - d. failing to properly remove the snow and/or ice on the subject premises;
  - e. failing to keep the parking lot in a safe condition for Plaintiff Wong who was lawfully upon the subject premises;
  - f. failing to properly, adequately, and/or timely inspect the subject premises to discover the dangerous and unsafe condition;
  - g. failing to take adequate steps to discover, anticipate, and prevent the dangerous and unsafe condition, which created the unreasonable risk of harm and injury to Plaintiff Wong;
  - h. failing to take adequate steps to prevent the dangerous and unsafe condition from occurring and/or existing on the subject premises;

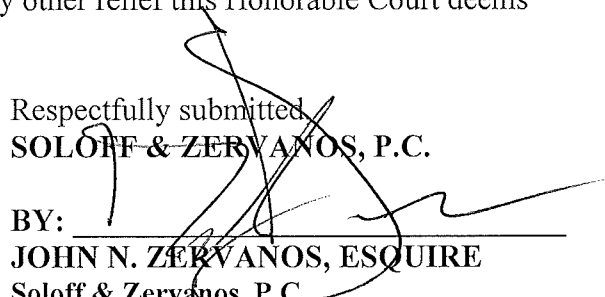
- i. failing to use reasonable care to warn Plaintiff Wong of the dangerous and unsafe condition of the subject premises;
- j. failing to use reasonable care to protect Plaintiff Wong from the dangerous and unsafe condition;
- k. permitting the dangerous and unsafe condition to exist and/or remain on the subject premises when Defendant knew or should have known of its existence;
- l. permitting the dangerous and unsafe condition to exist and/or remain on the subject premises, which Defendant knew or should have known created an unreasonable risk of harm to Plaintiff Wong, who was lawfully upon the subject premises;
- m. failing to timely treat, remove, repair, replace, or otherwise correct the dangerous and/or unsafe condition, which created the unreasonable risk of harm and injury to Plaintiff Wong;
- n. employing or contracting with those who were not sufficiently qualified to maintain the parking lot in a safe and proper manner;
- o. failing to have a designated entrance and exit way for its business invitees including plaintiff Wong;
- p. failing to provide plaintiff Wong with an alternate route to the shipping and receiving area;
- q. violating federal, state, and/or local statutes, laws, and/or ordinances regarding prevention, treatment, removal, maintenance, and/or repair of the subject premises;
- r. failing to exercise the requisite degree of care required for Plaintiff Wong who was a business invitee on the subject premises.

38. As a direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff, Carlos Wong sustained multiple injuries, bruises, contusions, and damages to the nerves, bones, discs, muscles, and ligaments of his body, both of temporary and permanent nature, including, but not limited to a broken shoulder resulting in surgery and caused continued pain and suffering, to his great detriment and loss.

39. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has and will continue to be forced to incur various financial and medical expenses in an effort to cure himself from the aforesaid injuries and damages, to his great detriment and loss.
40. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has been unable to perform and has been limited in performing many of his normal activities, to his great detriment and loss.
41. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has suffered loss of employment wages and his earning capacity has been impaired, to his great detriment and loss.
42. As a further direct and proximate result of the negligence and carelessness of the Defendant, Plaintiff Wong has experienced and continues to experience emotional and physical pain, suffering, inconvenience, embarrassment, mental anguish, and loss of enjoyment of life, to his great detriment and loss.

**WHEREFORE**, Plaintiff hereby demands judgment in his favor and against Defendant Pennsylvania Cement Terminal, LLC. Individually and jointly, in an amount in excess of \$150,000.00, exclusive of interest and costs, and any other relief this Honorable Court deems equitable and just.

Respectfully submitted,  
**SOLOFF & ZERVANOS, P.C.**

BY:   
**JOHN N. ZERVANOS, ESQUIRE**  
**Soloff & Zervanos, P.C.**

Attorney I.D. Nos.: 49615  
1525 Locust Street, 8th Floor  
Philadelphia, PA 19102  
(215) 732-2260  
(215) 732-2289  
Attorney for Plaintiff  
Email: [jzervanos@laws.com](mailto:jzervanos@laws.com)